

REMARKS

By virtue of this amendment claim 1-20 are currently pending in this application. Claims 1, 3, 10, 16, and 19 have been amended. No claims have been added or canceled by virtue of this amendment.

In a May 3, 2006 Office Action, the Examiner objected to the form of the Abstract and objected to some typographical errors in the written description of the specification. The applicant respectfully thanks the Examiner for suggesting appropriate corrections. The applicant respectfully submits that the above substitute Abstract and amended paragraphs address all the Examiner's concerns. Thus, the applicant requests the Examiner remove the objection to the Abstract and written description.

In the May 3, 2006 Office Action the Examiner rejected claims 1 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner rejected claim 1 because the recitation of "the vessel" in lines 3 and 9 lacked antecedent basis. The Examiner rejected claim 16 because the recitations of "the wall" and "the main vessel" in line 10 lacked antecedent basis. The applicant respectfully submits that amended claims 1 and 16 satisfy all requirements of section 112. Therefore, the applicant respectfully request the Examiner to withdraw the rejection of claims 1 and 16 under 35 U.S.C. § 112, second paragraph. Moreover, the applicant does not believe the amendment is a narrowing amendment made on conditions of patentability but rather a correction of a minor typographical issue

In the May 3, 2006 Office Action, the Examiner rejected claims 1, 3, 6, and 7 under 35 U.S.C. §§ 102(b), 103(a) as being anticipated by or obvious in view of United States Patent 5,709,713 ("Evans et al."). The applicant respectfully traverses this rejection.

In particular, amended claim 1 recites a combination of elements including, for example, "the distal end of the bypass stent graft to be positioned in a sealing

relationship with the vessel such that the bypass stent graft is positioned outside the vessel in a perivascular space to bypasses the portion of vascular anatomy,” which is not shown, disclosed or taught by Evans et al. Conversely, and at most, Evans et al. provides a stent that is completely and only arranged in the vessel. Thus, Evans et al. does not suggest or disclose any portion of the stent residing in the perivascular space. Moreover, because Evans et al. relates to an aneurysm stent, one of ordinary skill in the art would not modify or be motivated to modify Evans et al. to pierce the already weakened vessel wall and to place a stent in the perivascular space. Thus, for at least this reason, amended claim 1 is not anticipated by or obvious in view of Evans et al.

Moreover, amended claim 1 recites a combination of elements including, for example, a main vessel stent graft extending in a vessel until it is proximate the portion of the vascular anatomy to be bypassed, the main vessel stent graft having an access port on a wall that is aligned with a puncture point on a wall of the vessel,” which is not shown, disclosed or taught by Evans et al. Rather, and at most, Evans et al. discloses a port aligned with a flow path from one vessel to another vessel and not aligned with a puncture point on a wall of the vessel. In fact, as Evans et al. is silent regarding puncturing the vessel wall, it would have no reason or purpose for aligning an access port with the vessel wall. Thus, for at least this additional reason, amended claim 1 is not anticipated by or obvious in view of Evans et al.

Thus, for at least the reasons identified, amended claim 1 is not anticipated by or obvious in view of Evans et al. The applicant respectfully requests the Examiner withdraw the rejection of claim 1 to Evans et al.

Claims 3, 6, and 7 depend either directly or indirectly from claim 1 and, at least by virtue of this dependency, are not anticipated by or obvious in view of Evans et al. Thus, the applicant respectfully requests the Examiner withdraw the rejection of claims 3, 6, and 7 to Evans et al.

Referring specifically to amended claim 3, amended claim 3 recites a combination of elements including, for example, “the seating surface and the engaging surface form a seal that inhibits blood flow into the perivascular space,” which is not

disclosed, suggested or taught by Evans et al. As Evans et al. is silent regarding puncturing the vessel, the vessel prevents any blood flow into the perivascular space. Therefore, Evans et al. cannot provide any disclosure that would for a seal the inhibits blood flow into the perivascular space. For at least this additional reason, amended claim 3 is not anticipated by or obvious in view of Evans et al. Moreover, claim 6 depends from claim 3 and, at least by virtue of this dependency, is not anticipated by or obvious in view of Evans et al. The applicant respectfully requests the Examiner withdraw the rejection of claims 3 and 6 to Evans et al.

In the May 3, 2006 Office Action, the Examiner rejected claims 10, 12, and 13 under 35 U.S.C. § 102(b) as being anticipated by United States Patent 5,653,743 (“Martin”). The applicant respectfully traverses the rejection.

In particular, amended claim 10 recites a combination of elements including for example, “a main vessel stent graft, the main vessel stent graft to provide a flow path through an aneurysm of a vessel and including at least one access port aligned with a corresponding number of branch vessels in the aneurysm; and at least one branch connecting stent graft, wherein each of the at least one branch connecting stent grafts received in a corresponding one of the at least one access port on a wall of the main vessel stent graft such that a distal end of the branch connecting stent graft resides in a branch vessel in a sealing relationship and a proximate end of the branch connecting stent graft forms a sealing relationship with the access port and the branch connecting stent provides a flow path through the aneurysm,” which is not shown or disclosed by Martin. Rather, Martin discloses a vascular reconstruction system substantially devoid of aneurysms. Thus, to the extent Martin discloses a main vessel stent and connecting stents, the stents do not reside in aneurysms. Moreover, the connecting stent graft does not travel from the main vessel stent through the aneurysm to a branch vessel, which requires alignment of the branch connecting stent between the access port and the branch vessel, which may be remote from each other over space. Rather, and at most, Martin discloses a connecting stent residing between a first vessel and a second *adjacent* vessel. Thus, Martin does not anticipate amended claim 10. Claims 12 and 13 depend directly from claim 10 and, at least by virtue of the dependency, are not anticipated by

Martin. Thus, applicant respectfully request the rejection of claims 10, 12, and 13 as being anticipated by Martin be withdrawn.

In the May 3, 2006 Office Action, the Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Evans et al. in view of United States Patent 5,961,548 (Shmulewitz). The applicant respectfully traverses the rejection. In particular, claim 2 depends from claim 1 and, at least by virtue of the dependency, is not obvious or anticipated by Evans et al. The Examiner relied on Shmulewitz to disclose puncturing a main vessel stent to allow placement of another stent. However, Shmulewitz does not cure the defect of Evans et al. noted above in relation to claim 1. Claim 2 is not anticipated by Evans et al. and Shmulewitz either alone or in any reasonable combination thereof. Thus, the applicant respectfully requests the Examiner withdraw the rejection of claim 2.

In the May 3, 2006 Office Action, the Examiner rejected claims 4, 5, 9, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Evans et al. in view of United States Patent 5,443,497 ("Venbrux"). The applicant respectfully traverses the rejection. In particular, claims 4, 5, and 9 depend directly or indirectly from claim 1 and, at by virtue of this dependency are not obvious in view of Evans et al. The Examiner relied on Venbrux to disclose a material between a seating surface and an engaging surface, which does not cure the defect of Evans et al. noted above. Thus, for all the reasons identified above, claims 4, 5, and 9 are not obvious over Evans et al. as combined with Venbrux. Regarding claims 19 and 20, claim 19 has been amended to contain recitations similar to amended claims 1 and 3 above. At least by virtue of this similarity, claim 19 and claim 20, which depends from claim 19, are not anticipated or obvious over Evans et al. as combined with Venbrux.

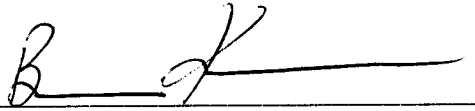
For all the foregoing reasons, the applicant respectfully requests the Examiner reconsider and withdraw the pending rejection and allow claims 1-20. Allowance of the pending claims is respectfully requested.

If an extension of time under 35 C.F.R. § 1.136 is required to obtain entry of this Amendment, such an extension is requested. If there are fees due under 37 U.S.C. §

1.16 or 1.17 which are not otherwise accounted for, please charge our Deposit Account No. 08-2623.

Respectfully submitted,

Dated: August 2, 2006

A handwritten signature in black ink, appearing to read "B. Kinnear", is written over a horizontal line.

Brian Kinnear
Registration No. 43,717
ATTORNEY FOR APPLICANT
HOLLAND & HART LLP
555 17th Street, Suite 3200
Post Office Box 8749
Denver, CO 80201-8749
Telephone: (303) 295-8170
Facsimile: (303) 295-8261

3474918_1.DOC